



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,280	12/12/2001	Michael Wayne Brown	AUS920010823US1	7043

7590 07/19/2004  
Cynthia S. Byrd  
Internal Business Machines  
Intellectual Property Law  
11400 Burnet Rd.  
Austin, TX 78758

EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 07/19/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/015,280

Applicant(s)

BROWN ET AL.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 35-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Reopening of Prosecution-New ground of Rejection After Appeal***

1. In view of the appeal Brief filed on 04/26/04, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, 7, 8, 10-12, 15, 16, 18, 19, 21-23, 26, 27, 29, 30 and 35-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallick (U.S. Patent No. 6,678,359).

Regarding claim 1, Gallick teaches detecting, at a called facility (i.e. destination device), a first utterance (i.e., voice utterance) of an answering party (i.e., callee) (fig.1, fig.2b; col.1, line 50- col.2, line 11, col.3, lines 64-67, col.6, lines 3-14, 51-56).

Gallick further teaches identifying, at the called facility (i.e. destination device), an answering party identity associated with the first utterance, such that the answering party identity is generated as identity of the answering party for a telephone call (col.3, lines 64-67, col.6, lines 3-14, 51-56).

Regarding claims 4, 15 and 26, Gallick teaches extracting speech sample (i.e., speech characteristics) from the first utterance (col.2, lines 9-11, col.6, lines 3-14).

Gallick further teaches analyzing the speech sample (i.e., comparing the speech information to stored pattern information) for identifying plurality of answering parties (i.e., callees) (col.2, lines 9-11, col.3, lines 26-43, col.6, lines 3-14).

Regarding claims 5, 16 and 27, Gallick teaches transmitting the first utterance to a server (i.e., third party device) via a network (fig.1; col.6, lines 11-18).

Gallick teaches receiving the answering party identity from the server (col.6, lines 11-18).

Regarding claims 7, 18 and 29, Gallick teaches transferring the answering party identity to a caller terminal (i.e., origin device), wherein the origin device is enabled to output the answering party identity to a caller, wherein the caller is enabled to select whether to communicate with the answering party identity (col.3, lines 7-26, 64-67, col.4, lines 4-25, 32-39, col.6, lines 14-20).

Regarding claims 8, 19 and 30, Gallick teaches receiving a preferred answering party selection from a caller at the called facility (col.4, lines 32-39).

Gallick further teaches inherently terminating the call if the answering party identity is different than the preferred answering party.

Regarding claims 10 and 21, Gallick teaches that the called facility is a softphone (i.e., telephony device) (fig.1; col.2, lines 38-40).

Regarding claims 11 and 22, Gallick teaches that the answering party identity comprises at least one from among an answering party name, an answering party location, a subject of the call, and a device identification (col.4, lines 4-25, col.6, lines 3-20).

Regarding claim 12 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches a called facility (i.e. destination device) enabled to receive a call (col.1, line 50- col.2, line 11, col.6, lines 3-14, 51-56).

Regarding claim 23 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Gallick teaches database (i.e., recording medium) (col.4, lines 40-65).

Regarding claim 35, Gallick teaches detecting, a first utterance (i.e., biometric input) at a called facility (i.e. biometric enabled destination device) (fig.1, fig.2b; col.1, line 50- col.2, line 11, col.3, lines 64-67, col.6, lines 3-14, 51-56).

Gallick further teaches identifying an answering party identity associated with the first utterance at the called facility (i.e. destination device), such that the answering party identity is transmittable as an identity (i.e., authenticated identity) of the answering party for a telephone call (col.3, lines 64-67, col.6, lines 3-14, 51-56).

Regarding claims 36 and 38, Gallick teaches the first utterance comprises a voice input (i.e., at least one from among an eye print, a finger print, a voice input, and a body heat scan) (col.6, lines 3-14, 51-56).

Regarding claim 37 is rejected for the same reasons as discussed above with respect to claim 35. Furthermore, Gallick teaches a called facility (i.e. biometric input enabled destination device) (fig.1; col.6, lines 3-14, 51-56).

Regarding claim 39 is rejected for the same reasons as discussed above with respect to claims 23 and 35.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claims 2, 13 and 24, It is not clear whether Gallick teaches “prompting said callee, from said destination device, to provide said voice utterance”. Bartholomew teaches instructing the answering party, from the IP 23 (i.e. ‘destination device’ includes telephone, central office, IP 23), to provide the input speech (fig.1; col.14, lines 9-52, col.43, lines 36-67, col.44, lines 1-12; ‘instructing’ reads on the claim ‘prompting’, ‘answering party’ reads on the claim ‘callee’ and ‘input speech’ reads on the claim ‘voice

utterance'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee, from the destination device, to provide the voice utterance as taught by Bartholomew. The motivation for the modification is to have the prompt in order to provide the option to the called party to identify himself.

6. Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of McAllister (U.S. Patent No. 6,101,242).

Regarding claims 3, 14 and 25, Gallick fails to teach "prompting said callee to enter an additional input to verify said callee identity". McAllister teaches prompting the called party for one or more repeat attempts (col.34, lines 1-61; 'called party' reads on the claim 'callee' and 'for one or more repeat attempts' reads on the claim 'enter an additional input to verify said callee identity'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow prompting the callee to enter an additional input as taught by McAllister. The motivation for the modification is to have the prompt in order to provide more information to verify identification of the called party.

7. Claims 6, 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Timonen et al. (U.S. Pub. No. 2002/0058494).

Regarding claims 6, 17 and 28, Gallick fails to teach "requesting a voice sample for said particular callee from a third party device accessible via a network". Timonen teaches requesting the identification data for the particular party to a third party device

via a network (fig.3; page 6, paragraphs 0055, 0056; 'identification data' reads on the claim 'voice sample' and 'party' reads on the claim 'callee'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow requesting a voice sample for the particular callee from a third party device accessible via a network as taught by Timonen. The motivation for the modification is to have doing so in order to provide authentication of the party.

Gallick fails to teach "receiving said voice sample for said particular callee for enabling authenticating of said callee identity". Timonen teaches receiving the identification data for the particular party for enabling authenticating of the party identity (fig.3; page 6, paragraphs 0055, 0056; 'identification data' reads on the claim 'voice sample' and 'party' reads on the claim 'callee'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow receiving the voice sample for the particular callee for enabling authenticating of the callee identity as taught by Timonen. The motivation for the modification is to have doing so in order to provide the identity of the authenticated party.

8. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallick (U.S. Patent No. 6,678,359) and in view of Baker (U.S. Patent No. 5,533,109).

Regarding claims 9 and 20, Gallick fails to teach "said destination device is a private exchange network". Baker teaches that the calling party device is a PBX unit (fig.1, fig.2; col.2, lines 26-55; 'calling party device' reads on the claim 'destination device' and 'PBX unit' reads on the claim 'private exchange network'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gallick to allow the destination device as a private exchange network as taught



Art Unit: 2645

by Baker. The motivation for the modification is to have the private exchange network in order to provide the multiple users as the calling party.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dolan et al. (U.S. Patent No. 6,477,246) teach Method and apparatus for providing expanded telecommunications service.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE  
July 12, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

